

STATE OF MAINE  
KENNEBEC, ss

BUSINESS AND CONSUMER COURT  
DOCKET NO. BCD-CV-14-11

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STATE OF MAINE,  
Plaintiff,

v.

**SCHEDULING ORDER**

ZEALANDIA HOLDING COMPANY, INC.,  
f/k/a FESTIVIA HOSPITALITY GROUP, INC.,  
PATTON HOSPITALITY MANAGEMENT, LLC,  
f/k/a FESTIVIA MANAGEMENT GROUP, LLC,  
FESTIVIA DEVELOPMENT GROUP, LLC,  
ZEALANDIA CAPITAL, INC., f/k/a SETI MARKETING, INC.,  
RESORT TRAVEL & XCHANGE, LLC,  
f/k/a FESTIVIA TRAVEL AND XCHANGE,  
FESTIVIA REAL ESTATE HOLDINGS, LLC,  
f/k/a FESTIVIA RESORTS, LLC,  
FESTIVIA RESORTS ADVENTURE CLUB MEMBERS' ASSOCIATION,  
DONALD K. CLAYTON, and HERBERT H. PATRICK, JR.,  
Defendants.

After the Court issued its Order denying the Defendants' Motions to Dismiss on October 9, 2014, the Court conducted a telephonic Scheduling Conference on December 29, 2014. At the end of the conference the Court directed the parties to submit written argument regarding the course of discovery. The parties could not agree on the application of the presumptive limits for interrogatories, requests for production of documents, and requests for admission. The Court has reviewed the parties' written arguments, the last of which was received on January 12, 2015. After discussing the matter further with the parties on February 2, 2015, the Court sets the following deadlines and limits regarding discovery:

- 1). Plaintiff shall serve no more than 40 Interrogatories on Festivia Development Group, LLC and the Festivia "Association";
- 2). Plaintiff shall serve no more than 20 Interrogatories on all other (7) Defendants;
- 3). Plaintiff may serve up to two sets of Requests for Production of Documents, not to exceed 130 in total for all Defendants;

4). Plaintiff shall conduct no more than 25 depositions for all Defendants, including defense experts. The Court is advised that the parties have agreed that no limit shall be imposed on the number of depositions conducted by Defendants.

5). Defendants represented by Pierce Atwood may serve up to two sets of Requests for Production of Documents (RFP's) not to exceed 65 in total; Defendants represented by Curtis Thaxter may serve up to two sets of RFP's not to exceed 65 in total.

6). Defendants represented by Pierce Atwood may serve up to two sets of Requests for Admission (RFA's) not to exceed 20 in total; Defendants represented by Curtis Thaxter may serve up to two sets of RFA's, not to exceed 20 in total;

7). The State may serve up to two sets of RFA's not to exceed 40 in total;

8). A party may allocate RFP's and/or RFA's in any way it wishes; i.e., a party may serve more than the limit contemplated by the Rules on any given party so long as it does not exceed the above-described limits.

9). Plaintiff shall designate experts by July 10, 2015;

10). Defendants shall designate experts by September 4, 2015;

11). Discovery closes on November 6, 2015;

12). All dispositive motions must be filed by any party by December 18, 2015;

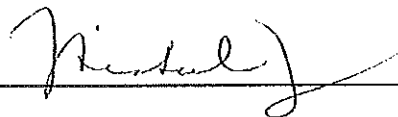
13). Trial shall be conducted in Cumberland County Superior Court without a jury during the month of March 2016.

14). A pretrial conference will be scheduled during the month of February 2016 if the matter proceeds to trial.

15). Unless otherwise agreed, the parties shall participate in ADR and/or a Judicial Settlement Conference during the month September 2015.

2/3/15

DATE



SUPERIOR COURT JUSTICE, BUSINESS  
AND CONSUMER COURT

Entered on the Docket: 2.4.15  
Copies sent via Mail ☐ Electronically ☒